



City of Helena

Citizen Conservation Board Orientation

Introductions

Thomas Jodoin
City Attorney
tjodoin@helenamt.gov

Iryna O'Connor
Deputy City Attorney
ioconnor@helenamt.gov

City County Building Room 203
(406) 457-8595

Powers of the Board: Advisory

Established by City of Helena Resolution # 20375

“This board will support, recommend, report on, and monitor sustainability measures undertaken by the City of Helena.”

Powers of the Board: Advisory

- NO independent authority
- NO budget authority
- NO contract authority
- Nonbinding on City Commission
- City Commission must approve any recommended action



City of Helena

Open Meeting Laws

Open Meeting Requirements

MT. Const. art. II, § 8 Right of Participation

MT. Const. art. II, § 9 Right to Know

Mont. Code Ann. § 2-3-201, *et seq.* Open Meetings

Mont. Code Ann. § 7-1-4131 Public Hearings

Mont. Code Ann. § 7-1-4141 Public Meeting Required

Mont. Code Ann. § 7-1-4142 Public Participation

Mont. Code Ann. § 7-1-4143 Participation

Mont. Code Ann. § 2-3-212 Minutes of Meetings-Public Inspection

Meeting Defined

“the convening of a quorum of the constituent membership of a public agency . . . whether corporal or by means of electronic equipment, to hear, **discuss**, or act upon a matter over which the agency has supervision, control, jurisdiction, or advisory power.”

~Mont. Code Ann. § 2-3-202

- Quorum will be defined by the Board's by laws (most board require the majority of board members to be present)

Public's Rights to Participate & Know

Board “may not take action on any matter discussed unless specific notice of that matter is included on an agenda and public comment has been allowed on that matter” (2-3-103, MCA)

- **MEETINGS:** must be noticed, open to the public and allow for public comment
 - Action can only be taken on items that were part of the agenda
 - ALL decision making must take place in an open meeting
 - no discussion by email or on Facebook
 - Board members may ask questions of staff in between meetings
 - Open to the press
- **RECORDS:** all records are public and minutes must be kept and maintained as part of the public record (incl. closed & special sessions)
- **PUBLIC PARTICIPATION:** must have the ability to comment on each agenda item and provide general comment

When can a person can be removed from a public meeting?

- Almost never, except:
 - If a person present a serious and present safety risk
 - Person's conduct rises to a level of serious criminal conduct
- As a general rule, there are no limits on the length of public testimony
- It is ok to ask people to follow rules of order and speak about items when they appear on the agenda
 - Possible exception for ADA accommodations

Quasi-Judicial Actions

“of, relating to, or involving an executive or administrative official’s adjudicative acts.” -> when sitting in judgment

- Generally decisions involving:
 - Public and private property
 - Public funds
 - Other non policy decisions
- may only receive information during a meeting, open to the public, at which public comment may be taken
- Decision must be based on facts in the record at the hearing
- NO EX PARTE communications
 - ex. potential fund recipients; owners of benefited properties
 - Must disclose any information received and the content of that information at the beginning of each meeting

Ethics Laws

Mont. Code Ann. § 2-2-101, *et. seq.*

**Violations may invalidate decision
and erode public trust**

Ethics

- Cannot disclose or use confidential information to further personal economic interest
- Cannot accept gifts which are meant to influence or reward official action
 - “official action” = “vote, decision, recommendation, approval, disapproval, or other action, including inaction, the involves the use of discretionary authority”
- Must disclose any potential conflicts
- Be mindful of appearance of conflict

Rules and Procedures

You get to make your own rules!

- Elect a chairman
- Generally city boards use parliamentary procedure:
 - (Report/Public Comment/Discussion)
 - **Motion – Second**
 - (Potential further discussion)
 - **Amendment** (if any) – **Second**
 - (Potential further discussion)
 - **Vote**
- Determine number present for quorum
- Per resolution Board will be eliminated 60 months (5 years) from today's meeting. (January 29, 2023)

Questions

Thomas Jodoin
City Attorney
tjodoin@helenamt.gov

Iryna O'Connor
Deputy City Attorney
ioconnor@helenamt.gov

City County Building Room 203
(406) 457-8595